

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP AMENDMENT

In re Patent Application of

Urs Jorimann et al.

Application No.: 10/786,540

Filing Date: February 26, 2004

Title: METHOD OF CONTROLLING ELECTRONIC RECORDS

Group Art Unit: 3621

Examiner: Cristina O Sherr

Confirmation No.: 3251

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$65.00 (2814) ☐ \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are _____

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted _____

_____ on _____
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims		MINUS =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims		MINUS =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC



By

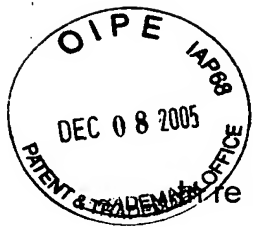
By No. 48,360

Patrick C. Keane

Registration No. 32,858

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(703) 836-6620

Date: December 8, 2005



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Re Patent Application of

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For: METHOD OF CONTROLLING
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REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 12, 2005, reconsideration and allowance of the present application are respectfully requested. Claims 1-19 remain pending in the application.

Claims 1 to 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson (US 5,765,152). This rejection is respectful traversed.

The Erickson patent does not teach or suggest "a method for controlling electronic records produced by an application software program for an analytical laboratory apparatus" as recited in claim 1. Claim 18 recites an application software program. In contrast, Erickson deals with copyrighted works ... including literary works, musical works, dramatic works, pantomimes and choreographic works; pictorial, graphic and sculptural works, motion pictures and other audiovisual works, sound recordings, and architectural works (col. 2 line 61 to col. 3 line 2) and provides for "the secure electronic copyright management and automatic identification of ownership of creative works distributed as digital or electronic media" (col. 3, lines

18-20). Applicants respectfully submit that the copyrighted creative works and their protection, as disclosed in the Erickson patent, are of interest to the creators, owners, sellers, consumers, etc. of the creative works, but do not relate to "controlling electronic records produced by an application software program for an analytical laboratory apparatus," as recited in claim 1. The recited features can encompass control of electronic records for good laboratory practices and to providing an audit trail, for example to establish who performed the test and who reviewed, approved and released the test record of an analysis, and to hold the respective individuals responsible based on their electronic signatures. A person of ordinary skill in the field could not find the claimed features obvious based on Erickson ('152). To one of ordinary skill in the art, the Erickson patent does not teach or suggest "a method for controlling electronic records produced by an application software program for an analytical laboratory apparatus," as recited in claim 1.

In paragraphs 7 and 17 of the Office Action, The Examiner asserts:

"Although Erickson does not specifically refer to records produced for an analytical software program, it would be obvious to one of ordinary skill in the art to adapt the teachings of Erickson for any type of copyrighted material or any type of material to which one wishes to limit access for any reason."

This assertion is respectfully traversed. Applicants respectfully submit that:

a) "adapting Erickson's teachings to copyrighted material" is not pertinent here, because the claims do not relate to copyrights. The recited claim features do not relate to the right of ownership in the sense of being allowed to make copies or printouts of the records produced by the application software program.

b) Notwithstanding the Examiner's assertion that "adapting Erickson's teachings to any type of material to which one wishes to limit access for any reason," the Erickson patent does not teach or suggest at least elements (b), (c), (d), and (e) of claims 1 and 18.

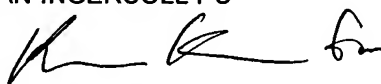
Further the Erickson patent specifically lacks the concept of "authenticating the electronic records by means of at least one electronic signature", as recited in claim 1. See, also, claim 18. The Erickson patent does not teach or suggest "authenticating" in the sense of attaching one's electronic signature to a record for the purpose of acknowledging responsibility and accountability for having performed a test on an analytical apparatus, or for having reviewed, approved or released the record of the test (resp., the creative work in question).

As such, Applicants' independent claims 1 and 18 are allowable. The remaining claims depend from the independent claims and recite additional advantageous features which further distinguish over the document relied upon by the Examiner. As such, the present application is in condition for allowance.

All objections and rejections raised in the Office action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

BUCHANAN INGERSOLL PC



Date: December 8, 2005

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